

Message Text

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PAGE 01 USUN N 01289 060423Z

71

ACTION DLOS-04

INFO OCT-01 SAL-01 IO-11 ISO-00 AF-06 ARA-06 EA-07 EUR-12

NEA-10 FEA-01 ACDA-07 AGR-05 AID-05 CEA-01 CEQ-01

CG-00 CIAE-00 CIEP-01 COME-00 DODE-00 DOTE-00 EB-07

EPA-01 ERDA-05 FMC-01 TRSE-00 H-02 INR-07 INT-05

JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-06 OMB-01

PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06 OIC-02 DHA-02

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TO SECSTATE WASHDC 6587

INFO AMEMBASSY ANKARA

AMEMBASSY BERN

AMEMBASSY CANBERRA

AMEMBASSY ISLAMABAD

AMEMBASSY JAKARTA

AMEMBASSY LUSAKA

AMEMBASSY NEW DELHI

AMEMBASSY STOCKHOLM

AMEMBASSY TUNIS

AMEMBASSY VIENNA

C O N F I D E N T I A L USUN 1289

FROM USDEL LOS

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: COMMITTEE II MEETINGS, MARCH 26, 1976

1. IN A FULL DAY OF DEBATE,C-II COMPLETED CONSIDERATION OF ARTICLES 20, 21 AND 22, BUT LEFT UNFINISHED ITS DISCUSSION OF
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PAGE 02 USUN N 01289 060423Z

ARTICLE 23. A MORE RAPID PACE WAS PRECLUDED BYLARGE NUMBERS

OF INTERVENTIONS, SOME OF THEM LENGTHY AND PHILOSOPHICAL.

2. CONSIDERATION OF ARTICLE 20 (INNOCENT PASSAGE OF NUCLEAR POWERED SHIPS AND SHIPS CARRYING NUCLEAR SUBSTANCES) WAS DOMINATED BY A RENEWED LDC EXTREMIST (AND, SPECIFICALLY, ARAB GROUP) EFFORT TO REQUIRE AUTHORIZATION FOR PASSAGE OF SUCH VESSELS THROUGH THE TERRITORIAL SEA. INDIA, ONCE AGAIN, LED THE ASSAULT. A TANZANIAN PROPOSAL TO DELETE QUOTE CARRY DOCUMENTS AND OBSERVE PRECAUTIONARY MEASURES UNQUOTE AND SUBSTITUTE QUOTE COMPLY WITH THE LAWS AND REGULATIONS OF THE COASTAL STATE UNQUOTE RECEIVED THE SUPPORT OF SIGNIFICANT NUMBERS OF AFRICAN, SOUTH AMERICAN AND ARAB STATES (26, IN ALL). A US PROPOSAL TO DELETE THE ARTICLE RECEIVED CONSIDERABLE, BUT NOT OVERWHELMING, SUPPORT. PERU (WHOM SYRIA SAID WAS SPEAKING FOR THE GROUP OF 77) PROPOSED DELETION OF REFERENCE TO INNOCENT PASSAGE, BUT RECEIVED LITTLE OVERT SUPPORT.

3. ARTICLE 21 (CONTAINING, IN MOST SIGNIFICANT PART, LIMITATIONS ON COASTAL STATE POWERS IN THE TERRITORIAL SEA) DREW INTENSE CRITICISM FROM THE DEVELOPING COASTAL STATES. TWENTY-THREE STATES SUPPORTED AN AUSTRALIAN PROPOSAL TO DELETE QUOTE INTERRUPT OR UNQUOTE FROM THE CHAPEAU OF PARAGRAPH 1, AND PLACING THEREIN AFTER QUOTE TERRITORIAL SEA UNQUOTE QUOTE EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF THE PRESENT CONVENTION UNQUOTE AND B. TO DELETE FROM SUBPARAGRAPH (A) OF PARAGRAPH 1, QUOTE OR PREJUDICING UNQUOTE. SUPPORT FOR THIS PROPOSAL CUT ACROSS ECONOMIC AND IDEOLOGICAL LINES. THE AFRICANS AND ARABS REJECTED, SOMETIMES ADAMANTLY, THE PROVISION AGAINST DISCRIMINATION.

4. ARTICLE 22 (SETTING FORTH, IN GENERAL, THE RIGHTS OF THE COASTAL STATE IN THE TERRITORIAL SEA) RECEIVED RELATIVELY LITTLE COMMENT. AGAIN, HOWEVER, A PROVISION PROHIBITING DISCRIMINATION WAS REJECTED BY CERTAIN AFRICAN AND ARAB STATES, AS WELL AS BY INDIA AND PAKISTAN.

5. ARTICLE 23 (LIABILITY OF SHIPS AND COASTAL STATES FOR DAMAGES RESULTING FROM BREACHES OF OBLIGATIONS UNDER THE TREATY) DREW A GREAT DEAL OF COMMENT. AUSTRALIA
CONFIDENTIAL

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PAGE 03 USUN N 01289 060423Z

RECEIVED SUPPORT (FROM 11 STATES, SOME OF WHICH ARE DEVELOPED AND SOME DEVELOPING) FOR ITS PROPOSED AMENDMENTS (POUCHED) TO PARAGRAPH 1 WHICH HAVE THE EFFECT OF BROADENING THE GROUNDS FOR LIABILITY OF SHIPS. INDONESIA AND PAKISTAN PROPOSED FURTHER BROADENING, BUT RECEIVED LITTLE SUPPORT. ON PARAGRAPH 2, AUSTRALIA PROPOSED AN AMENDMENT TO ASSURE THAT COASTAL STATE LIABILITY WOULD EXTEND TO BREACHES OF OBLIGATIONS UNDER INTERNATIONAL LAW NOT CONTAINED IN THE

TREATY. THE SUPPORT FOR THIS AMENDMENT CAME FROM THOSE COUNTRIES WHICH HAD SUPPORTED AUSTRALIA'S PROPOSAL ON PARAGRAPH 1. A NUMBER OF STATES REMARKED THAT THIS ARTICLE INVOLVED A SUBJECT WHICH IS ALREADY HIGHLY DEVELOPED (THOUGH NOT CONSISTENTLY SO) IN INTERNATIONAL LAW AND THAT, CONSEQUENTLY, SOME COMPLEXITY IS TO BE ENCOUNTERED. THE DISCUSSION WILL CONTINUE AT THE NEXT MEETING.

6. IT IS SIGNIFICANT THAT AUSTRIA, SWITZERLAND AND ZAMBIA HAVE BEEN SUPPORTING MARITIME INTERESTS. WE HOPE TO BRING THE REST OF THE LAND-LOCKED STATES ALONG.

7. AGUILAR ANNOUNCED A PROVISIONAL SCHEDULE WHICH WOULD RESULT IN A REVISED TEXT BEING MADE AVAILABLE BY THE BEGINNING OF THE EIGHTH WEEK OF THE CONFERENCE SESSION. THE COMMITTEE IS, HOWEVER, ALREADY TWO DAYS BEHIND SCHEDULE.

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